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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,940	07/07/2003	Shimei Tanaka	239819US3	6658
22850	7590	06/29/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DUVERNE, JEAN F	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

FA

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,940	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> Jean F. Duverne	<b>Art Unit</b> 2839	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAlpine (US06673854B2).  
*00656, 690 B2*

In regard to claims 1 and 4, McAlpine's device discloses an optical fiber drop cable comprising:

an optical element section including an optical fiber fiber at 22, at least one pair first tensile strength bodies (28) disposed in parallel to the optical fiber wire in between, and a first cable sheath that covers said optical fiber wire and said first tensile strength bodies; a cable support section including a second tensile strength body and a second cable sheath at 14 that covers said second tensile strength body; and a neck portion at 34 that connects said optical element section and said cable support section (12) in parallel to each other, wherein said neck portion includes a thick part ( B: see attachment), and a thin part (A: see attachment), which is thinner than the thick part; the jacket (14, 18) formed of polyethylene or thermoplastic material.

However, McAlpine's device fails to disclose the thick portion of the neck being disposed on the side of the cable support and the thin portion on the side of the optical

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element section instead of the neck being arranged oppositely. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the thick portion of the neck being disposed on the side of the optical element section and the thin portion on the side of the cable support, since it has been held that rearrangement of parts of an invention involves only routine skill in the art. In re Japike, 86 USPQ 70. . It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the thick portion of the neck being disposed on the side of the optical element section and the thin portion on the side of the cable support in order to meet the system design and requirement in McAlpine's device.

In regard to claims 2-3, McAlpine's device discloses the aforementioned limitations, but fails to disclose the width and the thickness ranges of the cable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a range for the width and the thickness ranges of the cable, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. . It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a range for the width and the thickness ranges of the cable in order to meet the system design and requirement in McAlpine's device.

3. Claims 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAlpine (US006738547B2) in view of admitted prior art (fig. 1).

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McAlpine's device discloses the aforementioned limitations, but fails to disclose the pair of V-shape notches formed on the opposite surfaces in the y-direction. Admitted prior art, fig. 1 discloses the pair of V-shape notches formed on the opposite surfaces in the y-direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the pair of V-shape notches formed on the opposite surfaces in order to improve the interconnection system in McAlpine's device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action may be mailed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

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For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

**Or Faxed to:**  
(703) 872-9306.

JFD

06/20/2004



Jean-Franz Duverne  
Primary Examiner  
Art Unit 2839